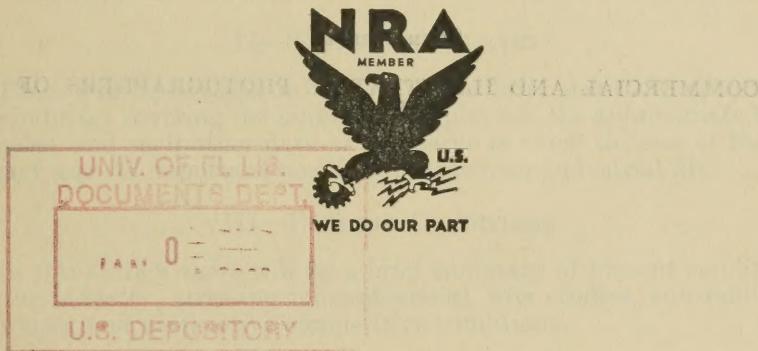


NATIONAL RECOVERY ADMINISTRATION

PROPOSED CODE OF FAIR COMPETITION
FOR THE
COMMERCIAL, ILLUSTRATIVE
AND PICTORIAL PHOTOGRAPHERS
INDUSTRY

AS SUBMITTED ON AUGUST 30, 1933



The Code for the
Commercial, Illustrative, and Pictorial Photographers Industry
in its present form merely reflects the proposal of the above-mentioned
industry, and *none of the provisions contained therein are*
to be regarded as having received the approval of
the National Recovery Administration
as applying to this industry

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1933



SUBMITTED BY

COMMERCIAL AND ILLUSTRATIVE PHOTOGRAPHERS OF
AMERICA

(II)

THE COUNCIL

OF THE COMMERCIAL AND ILLUSTRATIVE
PHOTOGRAPHERS OF AMERICA
SUBMITTED BY
THE COUNCIL

THE COUNCIL

BRIEF TO ACCOMPANY COMMERCIAL, ILLUSTRATIVE, AND PICTORIAL PHOTOGRAPHERS' CODE, NATIONAL INDUSTRIAL RECOVERY ACT

Upon presentation of the final approved draft of the Code of Fair Competition for the Commercial, Illustrative, and Pictorial Photographic Industry of the United States there will also be presented to the Federal Administrator of the National Industrial Recovery Act, a brief covering the following sections:

I—DEFINITION OF THE COMMERCIAL, ILLUSTRATIVE, AND PICTORIAL PHOTOGRAPHIC INDUSTRY

This industry, as covered by the Code, shall be understood to include all commercial, illustrative, and pictorial studios, concerns, and individuals manufacturing and selling photographs and/or prints to others, and shall also include all such private studios and all such departments operated by State and municipal authorities, and those studios, concerns, or departments that are subsidiaries of other groups, partnerships, and corporations.

II—STATISTICAL SURVEY

There will be covered in this section a brief statistical picture of the industry covering the number of employees, the approximate total of sales, and such other data as will serve to show the size of the industry and its important position in American Industrial life.

III—PRESENT CONDITIONS

In this section there will be a brief summary of present conditions in the industry, stressing unemployment, idle studios, substandards of wages, and destructive competitive conditions.

IV—PURPOSE OF THIS CODE

This section will explain in detail how all the conditions in the previous sections will be directly influenced and improved by this Code; how the application of the Code will make possible a higher standard of photography for advertising and thereby increase consumption of the country's manufactured products.

V—PLAN OF ORGANIZATION

That the various Commercial, Illustrative, and Pictorial Photographers' Associations already functioning throughout the United States shall be utilized for the purpose of effectuating the objectives of the National Industrial Recovery Act within this industry and that the Commercial and Illustrative Photographers of America Association be designated as the National Association to coordinate the

efforts of the various Commercial, Illustrative, and Pictorial Photographers' Associations, the Industry, and the Government in achieving the objectives of the Act. The autonomy of the present Associations, or of new Associations is guaranteed.

That for the purpose of administering a Code of Fair Competition for the industry according to the particular interests of the several sections of the country, certain zones be established.

That a National Executive Committee of _____ members, composed of representatives from each of the administrative zones, be appointed for the purpose of administering the Code of Fair Competition.

That each zone be entitled to one member of the said National Executive Committee.

That the National Executive Committee shall appoint from within its membership or from without, a committee of three to be known as a National Control Committee, whose power and authority shall be delegated by the National Executive Committee in order that the National Control Committee shall serve as the contact committee with the Federal Administrator.

A Zone Executive Committee shall be formed within each zone for the purpose of administering the affairs of the zone under the guidance of the National Executive Committee and the Federal Administrator. Its members shall be bonded to secrecy to prevent divulging information secured under Article VI, Clause N.

That by agreement of the local Associations effected, each zone may be subdivided territorially or by trade divisions in order to work out the most practical method for administering the Code of Fair Competition within the zone.

VI—PERCENTAGE OF INDUSTRY SUPPORTING THE CODE

This section shall contain a full statement of the trade organizations which have given their approval to the Code, their total membership in concerns by sales volume, by number of employees, and by geographical divisions, and any other facts and data which are necessary to convince the Federal Administrator that this Code has the support of a very substantial majority of the industry.

TENTATIVE CODE OF FAIR COMPETITION FOR THE COMMERCIAL, ILLUSTRATIVE, AND PICTORIAL PHOTOGRAPHIC INDUSTRY

ARTICLE I—PURPOSE

It is the declared purpose of the commercial, illustrative, and pictorial photographic industry, in adopting this Code, to increase employment, establish fair and adequate minimum wages and maximum hours of labor, eliminate competitive practices destructive of the interests of the public, employees, and employers, increase the consumption of industrial and agricultural products through the increase of purchasing power, and in other ways restore and maintain the highest practical degree of public welfare.

ARTICLE II—DEFINITION

Commercial, illustrative, and pictorial photography, as defined by this Code, shall be understood to comprise the production and sale to others of photographic reproductions and/or prints in one or more colors of properties, real or personal, commodities, goods, chattels, legal and other documents, official and private records, scenes, views, interiors, exteriors, groups of persons; animate and/or inanimate subjects, living models and persons for reproduction and/or any commercial use; the production of all photographs used in newspaper, magazine, or direct mail advertising or publicity; photographs for advertising displays, sales campaigns, catalogs, booklets, and any or all other advertising and publicity; educational and projected photography for visual purposes; scientific and technical photographs; copies and enlargements; and any and all photographic work that may be required or used in trade and commerce and/or the process of manufacturing, exclusive of motion pictures.

Also included in this industry is the production of photographs given directly or indirectly in consideration of other business, good will, or other gain.

ARTICLE III—MINIMUM WAGES AND MAXIMUM HOURS

On and after the effective date of this Code the minimum wages that shall be paid all mechanical employees, including proprietors, supervisors, and foremen doing mechanical work in the commercial, illustrative, and pictorial photographic industry, shall be as follows: Unskilled labor, exclusive of learners and beginners, $37\frac{1}{2}$ cents per hour.

A. The regular hours of employment shall not exceed forty (40) hours per week, except in case of necessity, arising from an emergency or from the character of the work, or from the inability to obtain competent labor, permission may be granted by the Zone Executive Committee to modify these hours, provided that the Zone Executive Committee will make certain that no employee will work more than

1,040 hours in any six months, except that in special contingency or contingencies of unusual demand on the services of specially qualified employees, permission may be granted through the Zone Executive Committee that such employees may severally exceed the above-mentioned hours by not more than 72 hours in any six months.

It is understood that employees and/or owners engaged in executive or supervisory capacity are exempt from limitations of Article III. Clause A.

B. As required by Section 7 (a) of Title 1 of the National Industrial Recovery Act, the following provisions are accepted and adopted as conditions of this Code.

1. That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization, or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

2. That no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

3. That employers shall comply with the maximum hours of labor, minimum ratio of pay, and other conditions of employment, approved and prescribed by the President.

4. It is clearly understood that the foregoing paragraphs do not impair in any particular the constitutional rights of the employee and employer to bargain individually or collectively as may be mutually satisfactory to them; nor does it impair the joint right of employer and employee to operate an open shop.

5. Nothing in this Code is to prevent the selection, retention, and advancement of employees on the basis of their individual merit, without regard to their affiliation or nonaffiliation with any organization.

C. No person, firm, or corporation engaged in this industry shall employ any person of less than sixteen years of age.

ARTICLE IV—REGISTRATION

A. To enable this industry, which is composed of many small concerns, to carry out the provisions of this code it is essential that each concern be registered, and the commercial, illustrative, and pictorial-photographic industry urgently requests the Federal Administrator to require the registration of the entire industry.

B. The National Executive Committee shall register each commercial, illustrative, and pictorial photographer in the United States through the Zone Executive Committee and issue certificate of registration.

C. Certificates of registration shall be numbered serially and the Zone Executive Committee shall keep a record of the name and address of the person, firm, or corporation, together with the number of each certificate, and shall forward this information promptly to the National Executive Committee. The certificate shall be the property of the National Executive Committee, and in case a registered firm retires from business, fails, consolidates, or has its certificate revoked,

the Zone Executive Committee shall immediately take possession of such certificate and return it to the National Executive Committee.

D. Every man operating a camera outside of a studio shall be required to carry an identification card bearing his name and the name and registration number of the firm or individual by whom he is employed. Such card must be shown on request.

E. No restrictions shall be placed upon registration except:

1. That each applicant shall signify his acceptance of the conditions set forth in this Code by affixing his signature thereto.

2. And that the services of each applicant be available to the public during regular business hours.

F. A registration fee shall be charged to cover the cost of clerical work and the policing of the industry.

G. The fact and spirit of the Code shall be enforced by the Zone Executive Committee and offenders punished by fine which shall be sufficiently large to make it unprofitable for the offender to violate any stipulation of this Code. In case of repeated offense, certificate of registration may be revoked. Hearings of charges of violation shall be held before a judiciary committee. Thus shall the Code be enforced within the zone to avoid necessity of appeal to Federal law under the Act.

ARTICLE V—STABILIZATION OF COSTS

On and after the effective date of this Code the following practices shall be adhered to in stabilizing costs.

A. All commercial, illustrative, and pictorial photographers in each zone shall be required to install and maintain accurate cost and accounting systems and records acceptable to the Zone Executive Committee and subject to the inspection of an authorized representative of the Zone Executive Committee.

B. For a period of six months and pending the establishment of individual costs, each Zone Executive Committee shall be empowered and directed to establish costs for the various products and services sold to others, said costs to be based upon what the committee shall find to be approximate actual cost within that zone of any subdivisions thereof.

C. At the expiration of six months the National Executive Committee shall propose a plan for a national stabilization of costs, based upon the costs, experience, etc., of the first six months' operation under this Code.

D. The Zone Executive Committee shall file with the National Executive Committee, who in turn shall file a copy thereof with the Federal Administrator, its plan of stabilization of costs.

ARTICLE VI—TRADE AND PRACTICE RULES

A. *Certified Reports.*—Each commercial, illustrative, and pictorial photographic studio shall furnish duly certified reports in substance as follows and upon such form as the National Executive Committee may require:—Returns at the discretion of the National Executive Committee, or of the Zone Executive Committee, showing actual hours of work of all mechanical employees, including proprietors, supervisors, foremen, and others doing mechanical work and actual

weekly rates of pay and total wages. Failure to furnish such reports shall constitute a violation of this Code.

C. *Registration*.—Engaging in the business of commercial, illustrative, and pictorial photography, as defined in this Code, without first having registered or engaging in the business after a certificate of registration has been revoked or retired, shall constitute a violation of this Code.

D. *Registration Numbers*.—Failure to place, stamp, or otherwise mark the registration number of the manufacturing photographer upon each print or other photographic production sold to others shall constitute a violation of this Code.

E. *Wage and working conditions*, provided they do not conflict with this Code, shall be determined locally or by each zone organization so as to establish proper uniform standards in each competitive district and violations of any of the wage and working conditions as so determined, shall constitute a violation of this Code.

F. *Secret Rebates*.—The secret payment or allowance of rebates, commissions, credits, or unearned discounts, whether in the form of money or otherwise, or secretly extending to certain purchasers special services or privileges not extended to all purchasers under like terms or conditions shall constitute a violation of this Code.

G. *Fraudulent and Deceptive Practices*.—Misleading or deceiving customers with respect to the quantity, quality, grade, or substance of stock or other elements entering into the completed work shall constitute a violation of this Code.

H. *Defamation of Competitors*.—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false statements or representations, or by false disparagement of the grade or quality of their product with the purpose of misleading or deceiving purchaser or of injuriously affecting the business of such competitors shall constitute a violation of this Code.

I. *Breach of Contract*.—Any attempt to avoid contractual obligations or maliciously inducing or attempting to induce the breach of existing contracts between competitors and their customers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose of unduly hampering, injuring, or embarrassing competitors in their business shall constitute a violation of this Code.

J. *Commercial Bribery*.—Directly or indirectly to give or permit to be given or offer to give money or anything of value to agents, employees, or representatives of customers or prospective customers or to agents, employees, or representatives of competitors' customers or prospective customers, or principals, as an inducement to influence their employees or principals to purchase or contract to purchase photographic or other commodities from the maker of such gift or offer, or to influence such employees or principals to refrain from dealing or contracting to deal with competitors shall constitute a violation of this Code.

K. Competitors' Employees.—Maliciously enticing away the employees of competitors with the purpose and effect of unduly hampering, injuring, or embarrassing competitors in their business shall constitute a violation of this Code.

L. Pirating.—Pirating photographs, ideas, designs, sketches, dummies, photographic prints or copy of any product that has been submitted to a prospective customer by a competitor shall constitute a violation of this Code.

M. False Records.—Wilfully maintaining an inaccurate, improper, or false method of determining cost shall constitute a violation of this Code.

N. Specifications and Prices.—When an unsuccessful bidder feels that the successful bidder has quoted an unfair price, he may demand that the successful bidder shall show the specifications, costs, and prices of the order to the Zone Committee or its representative, who shall determine whether any infraction of the Code has been committed. The Zone Committee or its representative shall have authority to obtain from other bidders all information they shall have concerning the work, and their negotiations concerning same. All quotations and contracts must be confirmed in writing and a copy kept on file for at least one year. Failure to furnish such information shall constitute a violation of this Code.

O. Discounts.—The allowance of any discount except the customary two per cent cash discount on accounts paid on or before the agreed day of month following date of invoice shall constitute a violation of this Code.

P. Special Prices.—The offering of special prices or privileges not offered to all customers and prospective customers under like conditions shall constitute a violation of this Code.

Q. Free Photographs.—Giving or offering to give free photographs and/or prints to secure other business of any kind or in consideration of credit line shall constitute a violation of this Code.

R. Fraudulent Advertising.—To publish or otherwise use misleading advertising of any nature shall constitute a violation of this Code.

S. Copying Proofs.—To copy proof or proofs made by any other photographer when it is evident because of marking or other reason that they are such constitutes a violation of this Code.

T. Copying Photographs.—Copying the original photographs of another photographer in the same zone without reasonable assurance that such originals have been fully paid for and released shall constitute a violation of this Code.

GENERAL PROVISIONS

A. Such of the provisions of this Code as are not required to be included therein by the National Industrial Recovery Act may, with the approval of the President, be modified or eliminated if it appears that the public needs are not being served thereby and as changes in circumstances or experience may indicate. They shall remain in effect unless and until so modified or eliminated or until the expiration

of the Act. It is contemplated that from time to time supplementary provisions to this Code or additional codes will be submitted for the approval of the President to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the other purposes and policies of Title 1 of the National Industrial Recovery Act and which shall not conflict with the provisions hereof.

B. If any provision of this code is declared invalid or unenforceable, the remaining provisions shall nevertheless continue in full force and effect the same as if they had been separately presented for approval and approved by the President.

COMMERCIAL AND ILLUSTRATIVE

PHOTOGRAPHERS' CODE COMMITTEE,

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